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Paper No. 21

Liebler Ivey & Connor  
The Edison Professional Building  
1141 North Edison, Suite C  
PO Box 6125  
Kennewick, WA 99336-0125

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**NOV 12 2003**

**OFFICE OF PETITIONS**

In re Application of	:	
Terry J. Cullinan et al.	:	
Application No. 09/041,685	:	ON PETITION
Filed: March 13, 1998	:	
Attorney Docket No. P-1534-011	:	

This is a decision on the request for reconsideration under 37 CFR 1.137(b) filed September 22, 2003, to revive the above-identified application.

The petition is Dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

As to item (1), the continuation application filed September 22, 2003, is not compliance with 37 CFR 1.53(b). Accordingly, revival of this application cannot be effected until a proper reply has submitted. See MPEP Section 201.06(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petitions
	PO Box 1450
	Alexandria, VA 22313-1450

By facsimile: (703) 308-6916  
Attn: Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: MPEP Section § 201.06(c)